C.F. 68 (a)—14,324—17-12-21.

19 22

Department of Ld. & Rev.

OFFICE Board of Revenue

STATION Madras

Mis No. 1452	
Dated 10-8-22	B. 2747

To whom sent	Date	Initial.
	Given for copying	
	Copied	
	Examined	H 9/8/22
	Signed	
	Given for despatch	
	Despatched SV	14/8/22
Pages in the file	Indexed	
	To be destroyed on	

(SUBJECT.)

Acq. Land (S. Kanara) River margin – Encroach-
ments – Govt. allowed the crediting – Govt. Commu-

* Not to be filled in the case of permanent records.

B 2163

Subject.—

R. F. XXII-A-19—21,680—12 16.

FOR MEMBER Assignment - Land (South Kanara) - ~~[illegible]~~ - Encroachment

(Two Members.)

READ AGAIN B.P., No. ——— dated ——— 191 .

" " " ——— , " ——— 191 .

READ ALSO :— B 2163/22 — B

Register No. ———, From the ~~B 1980/22~~ Refd 9-1-22 } A. ~~B 1980/22~~ }, No. ———, dated ——— 191

" " ——— " " " ———, " ———, " ——— 191 .

" " ——— " " " ———, " ———, " ——— 191 .

RESOLUTION. No. B 2163-22-1, dated 16-6-1922

Submitted to Govt.

2. The Board requests that Govt will be pleased to sanction the assignment of the portions in question as a special case in favour of the adjacent ~~proprietor~~ ryotwari ~~to the malguzari tenant~~.

3. ~~In this Connection~~ The Board begs to invite the attention of Govt to their order No 141 Mis. Rev Dy 20-1-22 regarding the reservation of margins on either side of streams. ~~The Board as at present Constituted~~ Govt that no harm is likely to be caused by the occupations of ryots

(n)

This proposal was supported by one of the members (Mr M. S. C.) who had long experience of the S. K. District.

Issue order please see orders on B 1980/22

banks in South Kanara. On the other hand when such places are planted up, ~~the banks are usually protected~~, the banks are usually protected with stone revetments which prevent erosion. To maintain the strict rule would, in the opinion of the arrangement as in report Board, cause much unnecessary correspondence without any advantage. The Board therefore requests that Govt may be pleased to modify the orders in G.O. No. 141 Rev dy 20.1.22 so as to allow the (N) Collector full discretion in the matter. The local conditions are quite

10.6.22

To

The Secy to Govt R.D. ~~with enclosures and as desired to be returned.~~

17/6/22

South Kanara Collector's Office

Mangalore, 10th June 1922.

From

M.R.Ry. A. Ramacha Nedungadi, Avl., B.A.,B.L.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue and Settlement,

Madras.

Assignment - Reservation of 50 links river margin.

In G.O.No. Mis.141, dated 20th January 1922, communicated -- with B.P.No.165, Mis., (Sett) dated 26th January 1922, it has been ordered that the rule regarding the reservation of a margin of not less --- than 50 links on either bank of a stream should be strictly followed It has been the policy in this district for the past some years to allow ryots to encroach upon rivers wherever unobjectionable and to assign to them, after collecting site value, the area reclaimed by them. The result is that at present there are reclamations of varying stages - some have become plantations and some have become paddy fields with costly revetments and some are still in their initial stages. In some cases site --- value has been collected but formal assignment has not been made and refusal now to assign may launch Government in Civil Suits, as by -- the acceptance of site value the contract to assign has become ---- complete. I find practical difficulty in giving effect to the G.O. in cases of the kind mentioned above and I solicit the favour of Board's instructions as to how they should be disposed of. It --- appears to me very hard to refuse assignment in cases of old reclamations made at heavy cost, but the G.O. does not give any option in the matter.

2. I further beg to be informed whether the prohibition extends also to islands formed in rivers, and if no river accretion or ---- island formed in rivers can be assigned what the significance of -- the note (1) below clause x of para 35 of the revised B.S.O.15 is.

3. I also beg to be informed whether the reservation of a ---

margin of one chain for main drainage channels provided in para 2 of the revised B.S.O. 15 applies to main thodus in this district.

4 On receipt of the G.O., I have issued a notification in -- = stream.
the District Gazette that reclamations within the prohibited ----
distance will not be assigned and that ryots should not make such reclamations and I have also instructed the Tahsildars to publish the notification in villages.

Collector.

B.2087/22

To AS

Para 1 of the Collr's letter

Ol. See Bd's Refce (B.2613-22-1 dt 16 6/22) : Govt orders on this may perhaps be awaited. pp 1-2 C.7

§ 2 of the Collr's letter

~~River~~ Islands formed in the middle of rivers do not seem to be affected by the Govt. These are governed by separate orders. See § 35(x) of revised B.S. no. 15. (E)

§ 3 of the Collr's letter : See § 2 of the Revised B.S.O no 15. ~~In the case of main~~. May Collr be answered in the affirmative ?

On the whole, it seems desirable to wait for the orders of Govt on the Bd's Refce before orders are passed on the Collr's present report. 26.6.22

For orders.

yes.
This is one more unfortunate & due to entire ignorance & etc w. evil condition

2.8.VI 22

22/6/22.

To AS

Lie over till orders are recd. from Govt. on Refce as 1 pp 1-2 C.7.

Ref C.No.3678-22-V-6-

No

Office of the Collector of S.Kanara

Station Mangalore

Date 26th J u n e 1922.

B 2305

From

M.R.Ry. A. Ramacha Nedungadi, Avl., B.A.,B.L.
Collector of South Kanara.

The Secretary to the Board,
Land Revenue and Settlement
Madras.

Sir,

B.P.No.955, Mis.dated 9-6-1922 - Assignment - Land Distinguished soldiers - Instructions solicited.

The block of land sub-divided into three separate units and reserved for assignment to distinguished ------ soldiers in this district is a poramboke river accretion (vide para 2 of this office report Dis No.3116-D/Rev.'19 dated 13-12-19, submitted in reply to Board's Reference No.1821-Gt./19-6, dated 1-12-1919). As under the recent orders issued by Government in G.O.No.Mis.,141-Rev.,dated 20-1-22communicated with B.P.No.165 Mis.,(S&H) dated 26-1-22 a margin of not less than 50 links on either bank of a -- stream should be reserved, I have, in my letter Ref C.No. 1624-22-V-6 dated the 10th instant, solicited the Board's orders whether this G.O., is applicable to river accretions. I beg to be informed whether under the circumstances, the full three units may be assigned to the two distinguished soldiers mentioned in the list forming enclosure to the B.P., under reference or whether 50 links margin should be deducted from them.

2. A consolidated sketch of the land showing the three units and their surroundings is enclosed for reference and return.

Collector.

Docket as in p. 1c-7

B. 2305/22-Q

Rebe B 2163. 22-2 937/22

The Collector of South Kanara is informed that Govt. have been addressed to modify the orders contained p. p. 1-2c-7 in Go. 100 so as to allow him full discretion in the matter of reservation of the margins 141 Rev dy 20.1.22 and that the Board has, for the present, deferred passing orders on his letter dy 1.6.22.

He may, however, distribute the land to the distinguished soldiers, after making them clearly understand that a margin of (not less than) 50 links will have to be ~~decided~~ deducted if Govt do not accept the Board's recommendation.

30.1.22

Do the Coll. of S. Kanara dg with a sketch rebe 296/22 flag (A)

Note

Pl. see M's orders as p. 4c-7 & the Coll's present report as pp. 5-6c-7.

As men would have been detailed by the C/S, to receive the units, it does not seem desirable to wait till orders are rect. on the Bd's Rebe as p. 1-2c-7.

BOARD OF REVENUE
25 JUL 1922
RECEIPT

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Abstract.

B 2747

Assignment- land (South Kanara)- River margins- encroachments- ~~discretion to~~ Collector. allowed discretion - Bd. Comm. Ft.

G.O. Mis.No. 1347 Revenue, dated 22nd July 1922.

Read the following:-

G.O.No.157 Revenue, dated 21-1-1921.
G.O.No.141 Revenue, dated 20-1-1922.

From the Board of Revenue, Land Revenue and Settlement, Ref.No.B. 2163-22-1, dated 16th June 1922. (1001-2 C.7)

O R D E R.

In modification of G.O.No.141 Revenue, dated 20th January 1922 the Government approve the recommendation of the Board of Revenue that the rule prescribed in G.O.No.157 Revenue, dated 21st January 1921 that land within 50 links of the banks of streams should generally be registered as poramboke and not assigned be relaxed in the case of South Kanara and that the Collector be given discretion to assign unobjectionabl encroachments

on river beds or margins even within such limits in cases where he thinks it advisable // when making such assignments the Collector should keep in view the principles laid down in Board's proceedings No.1990 Settlement, dated 2nd November 1920.

(By Order of the Governor in Council)

V. Ramaiya 24.7.22

For Ag.Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement.

TKG/24-7-22
JHK

Communicated to the Collector of South Kanara with reference to paras 1&2 of his letter no. Rev.C.1624-22-V.6 dt/ 10.6.22;

2 para 3 of his letter

The reservation of a margin of one chain referred to in para 2 of G.O.No.15 (revised) attached to the remarks

S. Kanara

Rost. Land (S. Kanara)
River margins - Encroach-
ments - Colr. allowed
discretion - Go. Comm^d

Dft 1-2 ij
Dft 7-8 ij
Revised
Q VIII

D.O. No. Rev(Cons) 1452 dated 10-8-22 from Govt. of Madras
B.2747/22
D.O. No. B.2163-22-I(D)166 dated 22-8-22

Communicated to the
Collector of South Kanara
2 & with refce to para 2 of his letter
P.3c.7 Refce C. 1624-22-V.6(D) 10.6.22

The Collector is informed
that the order prohibiting
~~prohibition to assign~~ land within 50 ft.
~~margins of streams to a~~
~~width of 50 links~~ of the margin of streams
~~relaxed~~ specified did not apply
to river accretions or
islands.

3 & with refce to para 3
of his letter quoted above,
the Collector is informed
that the Go. and Communicated
~~Covers~~ main 'thoughs' also
and that he has full discretion
~~as to the width of the margin~~
~~that should be reserved~~

Covers the case of assignment of land in the middle of the river

To the Collr. of S. Kanara

Dy 58/22 dt 8.8.22

Sd/- 8.8.22

L.R.No.129/22 67.22

GOVERNMENT OF MADRAS.

CONFIDENTIAL.

REVENUE SECRETARY'S OFFICE,

OOTACAMUND,

D.O.No.O.1688 E/22-1.

Dated the 3rd July 1922.

My dear Couchman,

Assignment - Land (South kanara)- River Margin - Encroachment - Reference from the Board of Revenue, Land Revenue & Settlement, No.B.2163-22-1, dated 16th June 1922.

I am to enclose copy of a note by R.A.Graham dated 25th December 1921 on the question of the assignment of accretions of land along banks of streams in South Kanara and to enquire whether in the light of the remarks contained therein - - especially in regard to land in the lower reaches of the rivers, you would still recommend giving full discretion to the Collector in all cases.

Yours sincerely,

4/7/22.

To

M.E. Couchman Esq., I.C.S.,

Commissioner of Land Revenue.

S.C.4/7

Copy of note by R.A. Graham Esq., C.S.I., I.C.S. dated 25th December 1921.

I ~~shall~~ Should say it was decidedly dangerous to treat the assignment of accretions as a matter of-course, and still more if it encourages reclamation. With regard to the lower reaches of the rivers in South Kanara, the chief objection, in my opinion, is on the ground of deflection of currents. An accretion in one place almost - - invariably means an erosion somewhere else and any interference with natural forces which tends to accentuate changes should be discouraged.

The particular instance on which the Collector makes his reference is probably unobjectionable, being high up on the river and not in one of the lower reaches.

R.A.G.
25-12-21.

5 3

Please show file
Mrs
6.VII.22

Office
put up at once
6.7.22

Asst
S
TO/ES
The file is subd

2) Please see pp 1-2 C.7 for the Ord's
Recd
6.7.22
6.7.22
6.7.22

D.O. 102
6-7-22

Reply.

Your D.O. of 3rd inst. re. accretion of land at C along stream at S.K.

Referring to Station's note, it is not proposed to accept this as a matter of course, but to give the Collr. full discretion. To do anything else would be a very grave error. It would, as the Collr. says, lead to numerous suits against Govt. but this is the least of the evil consequences. It has been the immemorial practice of landowners to protect their lands by revetments, which are absolutely necessary in a country where the force of the current in the monsoon is so great. None of the rivers are under any form of Govt. control. Up to the present time, the private parties concerned have found no difficulty in protecting themselves against any erosion which might be caused by the erection of these revetments by their neighbours.

The rivers usually broaden out in their tidal portions into wide estuaries. It has

which we could not depend with any prospect of success

for a long time past been the
policy of the Govt. authorities to
encourage the reclamation of
portions of these estuaries (P.W.D.)
I remember when I was collr. seeing by another
a swampy accretion in the creek
near Mangalore for about Rs 40,000.
The now flourishing coconut
plantation on a sugar-cane land, & no
complaint has ever been made
of any harm to
anyone by erosion.

Now I point out
that I have been nine years
in S. Kanara, (four as S.S.O.)
& then (part) & the present collr.
agitation is my mind? If I may
say so, Graham's objection is purely
theoretical.
& it would be deplorable
error for Govt. to attempt to
direction of the collector
in order to guard against
an imaginary danger which no
one has ever
complained of, & which in fact
does not exist.

Mhl.
6.VII.22.

To S.W. Deph Esq I.C.S.
Revenue Secretary
Govt. of Madras.

Desp.
MS
7-7-22

Copy C. to Collr
Dk. Below

Bpl-2c7 BO's Rep & B 2163-22-1 & 166

bp-7-8c7. bo mis 1347 Revd 22 7/22

[B·2747/22]

TOAS :-

The bo and recd may be communicated to the Collector of South Kanara with refce to § 1 of his letter at p 3c 7

2. Orders have now to be passed on §s 2 & 3 of his letter at pp 3-4c 7

§ 2 of the letter. The prohibition (now relaxed) does not seem to extend to river accretions May Collr be so informed?

§ 3 of the letter. The margin to be allowed for a main canal etc is one chain The Collr enquires whether for a main khodi this margin should be reserved.

It appears that the bo and recd giving discretion to the Collr of S. Kanara covers this case also. May Collr be so informed?

25/7/22

fair 1.8.22

The prohibition does not appear to apply to a river accretion

fair 1.8.22

MRL 1.VIII.22

p 2 of (E) § 2 of the revised B Govt 15.

The Collr has yr full discretion about khodis

MRL 1.VIII.22

fair 1.8.22

(show copy)

7

To AS

Draft Sub